

REMARKS

The Office Action dated 13 January 2003 has been reviewed, and the comments of the U.S. Patent Office have been considered. Claims 1, 6 and 7 have been amended. Claims 1-11 remain pending and are respectfully submitted for reconsideration by the Examiner.

Claim 1 has been amended by deleting two commas, and not for any reason related to patentability.

Claims 6 and 7 were rejected under 35 U.S.C. § 112, second paragraph, as allegedly failing to particularly point out and distinctly claim the subject matter that Applicants regard as their invention. Claims 6 and 7 have been amended in accordance with the Examiner's helpful suggestion, and it is therefore respectfully submitted that the claims fully comply with 35 U.S.C. § 112, and that the rejections should be withdrawn.

Claims 1-4 and 7-11 were rejected under 35 U.S.C. § 102(e) as being allegedly anticipated by U.S. Patent No. 6,023,343 to Eitzenberger (Eitzenberger). Claims 5 and 6 were rejected under 35 U.S.C. 103(a) as being allegedly unpatentable over Eitzenberger in view of U.S. Patent No. 5,960,035 to Sridhar et al. (Sridhar). These rejections are respectfully traversed in view of the following comments.

Independent claim 1 recites a combination of features including "a plurality of operator consoles which are connected to the processor unit and have user interfaces for accessing the applications and for data playback" and "a priority management system which allocates to the individual operator consoles access rights with different degrees of priority to the applications." Similarly, independent claim 10 recites a combination of features including "access rights with different degrees of priority to the applications being allocated to the individual operator consoles." Support for these features are found in Applicants' specification at, for example, page 4, lines 22-39, and page 7, lines 18-25. According to the present invention, the access rights depend on the respective operator console being used, so that a driver, for example, of a vehicle is not able to access a television application, but a passenger of the same vehicle is able to access a television application. Thus, security and comfort for the different users of a vehicle are improved by the combination of features recited in independent claims 1 and 10. It is

respectfully submitted that these combinations of features are neither taught by Eitzenberger nor suggested by any combination of the applied prior art.

Eitzenberger shows a vehicle system which has at least one processor unit 1 arranged in the vehicle for controlling applications (Fleet Management, Route Planning,...) and a plurality of different data sources (RDS-TMC, CD-ROM, GSM, PDA) which are connected to the processor unit 1.

Some of these devices (e.g., RDS-TMC, GSM PDA) are depicted with icons as operator consoles, but nowhere does Eitzenberger state that there are actual operator consoles, *per se*, for accessing the applications and for data-play back. It appears that Eitzenberger uses icons to merely represent the functions of certain devices: RDS-TMC for information transmission to the vehicle, GMS for information transmission to and from the vehicle and a personal digital assistant (PDA), which is being used like a personal computer (PC). It is respectfully submitted that nowhere does Eitzenberger describe whether the operator consoles of the devices are used, or whether there is a car-specific operator console in the vehicle that is used for all devices. So it is not clear from Eitzenberger that there are even a plurality of operator consoles that are connected to the processor unit, much less having different user interfaces for accessing the applications and for data playback.

As pointed in out in MPEP § 2131, a claim is anticipated by a prior art reference only if each and every element as set forth in the claim is found. Verdegaal Bros. v. Union Oil Co. of California, 2 USPQ2d 1051 (Fed. Cir. 1987). For at least these reasons, Applicants respectfully request that the rejection of independent claims 1 and 10 be withdrawn and these claims allowed.

Claims 2-4, 7-9 and 11 depend, either directly or indirectly, from one of the independent claims and are therefore also allowable for at least the same reasons as independent claims 1 and 10. Therefore, Applicants respectfully request that the rejection of these dependent claims also be withdrawn, and the dependent claims allowed.

With regard to claims 5 and 6, the Office Action acknowledges that Eitzenberger fails to disclose that the priority management system allocates to the applications access to the data bus as a function of the loading of the data bus at that time and at least one low-level application can be aborted or reduce the data transmission rate. The Office Action cites Sridhar as allegedly

showing these particular features of a priority management system. Regardless, Sridhar fails to overcome the above mentioned deficiencies of Eitzenberger.

MPEP § 2143.03 points out that “[t]o establish prima facie obviousness of a claimed invention, all the claimed limitations must be taught or suggested by the prior art. In re Royka, 409 F.2d 981, 180 USPQ 580 (CCPA 1974).” For at least these reasons, and the fact that claims 5 and 6 depend indirectly from allowable independent claim 1, Applicants respectfully request that the rejection of claims 5 and 6 be withdrawn and the claim allowed.

Thus, it is respectfully submitted that the applied prior art, whether considered individually or in combination, fails to teach or suggest the claimed invention as a whole, and that the rejection thereof should be withdrawn and the application allowed.

CONCLUSION

It is respectfully submitted that the application is now in condition for allowance and an early notification of such is earnestly solicited. Should the Examiner feel that there are any issues outstanding after consideration of this reply, the Examiner is invited to contact Applicant's undersigned representative to expedite the prosecution.

EXCEPT for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account No. 50-0310. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully submitted,

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